

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

LAWRENCE J. KONCELIK JR.,

Lead Plaintiff,

v.

SAVIENT PHARMACEUTICALS, INC.,
CHRISTOPHER G. CLEMENT,
ZEBULUN, and D. HOROWITZ,

Defendants.

Civil Action No. 08-cv-10262 (GEL)

**LEAD PLAINTIFF'S MOTION
FOR PARTIAL LIFTING OF THE DISCOVERY STAY**

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TO: ALL PARTIES AND THEIR COUNSEL OF RECORD

PLEASE TAKE NOTICE that on a date and time to be set by the Court, before the Honorable Gerald E. Lynch, at the United States District Court, Southern District of New York, Courtroom 6B at the Daniel Patrick Moynihan United States District Courthouse, 500 Pearl Street, New York, New York, Lead Plaintiff, Lawrence J. Koncelik, Jr., will respectively move this Court, for an Order to partially lift the discovery stay set forth in Section 21(D)(b)(3)(B) of the Securities Exchange Act of 1934, as amended by the Private Securities Litigation Reform Act of 1995 ("PSLRA"), 15 U.S.C. § 78u-4(b)(3)(B) in order to:

1. compel identification by Defendants of certain third party corporations;
2. permit service of preservation subpoenas on those third party corporations.

The grounds for this motion are fully set forth in the memorandum in support of this motion, which is incorporated herein by reference.

Dated: May 13, 2009
New York, New York

Respectfully submitted,

**POMERANTZ HAUDEK
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/s Marc I. Gross

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